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Attorneys for Plaintiffs
Berti Produce – San Francisco, Inc.; Edwin Chin
dba New City Fruit & Produce; Jacobs, Malcolm & Burt;
North Bay Produce, Inc.; Washington Vegetable Company;
What A Tomato Produce Company, Inc.; and Coosemans
San Francisco, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BERTI PRODUCE – SAN FRANCISCO,
INC.; EDWIN CHIN dba NEW CITY FRUIT
& PRODUCE; JACOBS, MALCOLM &
BURTT; NORTH BAY PRODUCE, INC.;
WASHINGTON VEGETABLE COMPANY;
WHAT A TOMATO PRODUCE COMPANY,
INC.; and COOSEMANS SAN FRANCISCO,
INC.,

Plaintiffs,

v.

ROBERT SBRAGIA; JOHN SBRAGIA;
STEVEN SBRAGIA; and PATRICIA CINI
aka PATTI CINI,

Defendants.

CASE NO. C11-03546 MEJ

**SUPPLEMENTAL CASE
MANAGEMENT CONFERENCE
STATEMENT & REQUEST TO
CONTINUE CMC**

**CMC Date: January 12, 2012
CMC Time: 10:00 a.m.
CMC Place: Ctrm. B, 15th Floor
San Francisco**

Plaintiffs BERTI PRODUCE – SAN FRANCISCO, INC., EDWIN CHIN dba NEW
CITY FRUIT & PRODUCE, JACOBS, MALCOLM & BURTT, NORTH BAY PRODUCE,
INC., WASHINGTON VEGETABLE COMPANY, WHAT A TOMATO PRODUCE

COMPANY, INC., and COOSEMANS SAN FRANCISCO, INC. (jointly “Plaintiffs”) respectfully file this Case Management Conference Statement.

A.

STATUS & REQUEST FOR CONTINUANCE

1. Jurisdiction & Service:

As Plaintiffs’ complaint states, this Court has jurisdiction of this case pursuant to the Perishable Agricultural Commodities Act [7 U.S.C. § 499e(c)(5)] and pursuant to 28 U.S.C. § 1331. This Court also has supplemental jurisdiction over all other claims, as they form part of the same case or controversy. 28 U.S.C. § 1367(a).

On July 19, 2011, Plaintiffs filed their complaint in this matter. On September 13, 2011, Plaintiffs filed an amended complaint, which added a new Plaintiff, Coosemans San Francisco, Inc.

Thereafter, in late October 2011, Plaintiffs served the four Defendants. [See Affidavits of Service, ECF docket #s 10-13]. They have not yet responded to the First Amended Complaint, because Defendants’ attorney – Lawrence Jacobson – requested additional time to respond to the Complaint, which Plaintiffs agreed to, and to discuss settlement, discussions which are on-going. In addition, because of the holidays and the settlement discussions, Plaintiffs have not pushed for a response.

2. Request for Continuance:

As noted above, Defendants recently retained counsel who requested additional time to respond to the Complaint, which Plaintiffs agreed to, and to discuss settlement. Consequently, to give the parties time to continue settlement discussions, to provide Defendants’ counsel an opportunity to respond to the First Amended Complaint, and to insure that Defendants’ attorney is adequately prepared for and may participate in the Case Management Conference, Plaintiffs

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respectfully request that the Case Management Conference be continued for 45 days. The Court previously granted a 60 day continuance.

Date: October 20, 2011

By: /s/ Marion I. Quesenbery

Marion I. Quesenbery

Attorneys for Plaintiffs

Berti Produce – San Francisco, Inc.; Edwin Chin
dba New City Fruit & Produce; Jacobs, Malcolm &
Burt; North Bay Produce, Inc.; Washington
Vegetable Company; What A Tomato Produce
Company, Inc.; and Coosemans San Francisco, Inc.

IT IS SO ORDERED. The Case Management Conference is continued to
10:00 a.m.,
March 1, 2012, at ~~10:30~~ a.m., in Courtroom B, 15th Floor, San Francisco. The CMC
Statement due by 2/23/12.

Date: January 6, 2012



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